

1 HEATHER E. WILLIAMS, #122664  
Federal Defender  
2 GRIFFIN ESTES, #322095  
Assistant Federal Defender  
3 Office of the Federal Defender  
2300 Tulare Street, Suite 330  
4 Fresno, CA 93721-2226  
Telephone: (559) 487-5561  
5 Fax: (559) 487-5950

6 Attorneys for Defendant  
VILAY PHABMISAY  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 VILAY PHABMISAY,

15 Defendant.  
16  
17

Case No. 1:22-cr-00061-JLT

UNOPPOSED MOTION FOR EARLY  
TERMINATION OF SUPERVISED RELEASE;  
ORDER

18 The defense moves this Court for an order terminating supervised release for the above-  
19 named defendant. Defense counsel has conferred with counsel for the government, Assistant  
20 United States Attorney Arelis Clemente, as well as United States Probation Officer Natali  
21 Valdivia, and neither the government nor probation has any objection to this request.

22 Title 18 U.S.C. § 3583(e)(1) grants this Court the power to terminate a term of supervised  
23 release at any time after the expiration of one year on a felony case, pursuant to the provisions of  
24 Federal Rule of Criminal Procedure Rule 32.1(c), provided the Court is satisfied that such action  
25 is warranted by the conduct of the defendant and in the interests of justice. *See* 18 U.S.C. §  
26 3564(c); *see also United States v. Ponce*, 22 F.4th 1045 (9th Cir. 2022).

27 On June 7, 2017, Mr. Phabmisay pled guilty to conspiracy to distribute a controlled  
28 substance, in violation of 21 U.S.C. § 846, and money laundering in violation of 18 U.S.C. §

1956(h). *See* District of South Carolina, Case No. 7:16-cr-00776-TMA at Dkt. #239. Mr. Phabmisay was sentenced on April 7, 2011, to 84 months in custody, with a 5-year term of supervised release to follow. *See Id.*, at Dkt. #454. Mr. Phabmisay's term of supervised release began on February 17, 2022. *See* Eastern District of California Case No. 1:22-cr-00061-JLT at Dkt. #2. Jurisdiction was transferred to the Eastern District on March 3, 2022. *See* Dkt. #2.

As of the date of this filing, Mr. Phabmisay has been on supervised release for a period of approximately 2 years and 5 months. During that time, Mr. Phabmisay has not incurred any violations of supervised release and has remained in compliance with all terms and conditions. Since starting supervised release, Mr. Phabmisay has maintained a steady residence with his partner with whom he shares two children. He has been employed throughout his term of supervised release as a pipe installer. He is not currently subject to drug testing or counseling and is not receiving resources from probation as part of his supervised release. In short, Mr. Phabmisay has been, and is living a positive, pro-social, and law-abiding life.

On July 12, 2024, Mr. Nolasco's probation officer, Natali Valdivia, indicated via email that probation does not oppose early termination in Mr. Phabmisay's case. That same day, Assistant United States Attorney Arelis Clemente indicated via email that the government, in light of Mr. Phabmisay's compliance and performance on supervision, coupled with probation's position, likewise does not oppose the request in this case.

Based on the foregoing, the defense submits that early termination of supervised release is warranted based on the conduct of Mr. Phabmisay and is in the interests of justice.

HEATHER E. WILLIAMS  
Federal Defender

Dated: July 16, 2024

/s/ Griffin Estes  
GRIFFIN ESTES  
Assistant Federal Defender  
Attorney for Defendant  
VILAY PHABMISAY

**ORDER**

IT IS SO ORDERED. Pursuant to 18 U.S.C. § 3583(e), the Court hereby terminates Defendant Vilay Phabmisay's term of supervised release.

IT IS SO ORDERED.

Dated: **July 16, 2024**

  
UNITED STATES DISTRICT JUDGE